

Settlement/Hearing: October 17<sup>th</sup>, 2018  
Time: 10:00 A.M.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13  
Case No.17-23046 RDD

RICHARD BECKER,

**NOTICE OF SETTLEMENT**

Debtor(s)

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**PLEASE TAKE NOTICE**, that an *Order*, a true copy of which is annexed hereto, will be presented for signature to the Hon. Robert D. Drain, United States Bankruptcy Judge, on the 17<sup>th</sup> day of October, 2018 at 10:00 A.M., at the United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York.

Hearings on Objections, if any, to be conducted same place, date and time.

Written objections or counterorders must be submitted to chambers by no later than close of business *three (3) days prior* to settlement.

Dated: White Plains, New York  
September 17<sup>th</sup>, 2018

/s/ Krista M Preuss  
**Krista M. Preuss (KMP7299)**  
**Chapter 13 Trustee**  
**399 Knollwood Road**  
**White Plains, New York 10603**  
**Chapter 13 Tel. No. 914-328-6333**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13  
Case No.17-23046 RDD

RICHARD BECKER,  
Debtor(s)  
-----X

**ORDER DISMISSING CHAPTER 13 CASE**

The chapter 13 trustee having moved, on due notice, for an order dismissing this chapter 13 case, and, upon the motion and the record of the October 17, 2018 hearing thereon, the Court having found that the above-captioned debtor has failed to comply with 11 U.S.C. 1307(c)(1) and (c)(4) and 11 U.S.C. §521(i) and (e)(2)(A)(i), having created unreasonable delay that is prejudicial to creditors, in that the debtor failed to remit timely proposed chapter 13 plan payments to the trustee, failed to provide the required documentation, in part, payment advices and evidence of other payments received within 60 days, Federal and New York State tax returns for the most recent tax years; and termination of loss mitigation under General Order M-412 having been requested by the lender; and the Court also having found that the debtor's plan is not feasible and that the debtor is unable to confirm a plan; and good cause appearing,

**IT IS ORDERED THAT:**

This chapter 13 case is hereby dismissed. The chapter 13 trustee shall take all actions required by the dismissal of this case.

Dated: White Plains, New York  
October , 2018

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**UNITED STATES BANKRUPTCY JUDGE**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13  
Case No.17-23046 RDD

RICHARD BECKER,

**TRUSTEE'S AFFIDAVIT**

Debtor(s)

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STATE OF NEW YORK                    )  
COUNTY OF WESTCHESTER    )   ss.:

Krista M. Preuss, being duly sworn, deposes and says:

1.       She is the standing Chapter 13 Trustee.
2.       The debtor filed a Chapter 13 proceeding on July 6<sup>th</sup>, 2017.
3.       A hearing on confirmation was held on September 12<sup>th</sup>, 2018.
4.       The debtor failed to comply with the provisions of 11 U.S.C. §1307(c)(1)  
and (c)(4).
5.       The debtor is in violation of 11 U.S.C. §521(i) of the Bankruptcy Code which  
requires the debtor to file , in part, payment advices and evidence of other payments received within  
60 days.
6.       The debtor is in violation of §521(e)(2)(A)(i) of the Bankruptcy Code  
which requires the debtor to provide federal and state tax returns for certain of the most recent  
tax years.
7.       The debtor failed to remit timely proposed plan payments to the trustee,  
having remitted ten payments, od the sum of \$1,000.00, and being, at this juncture, four month(s) in  
arrears, or the sum of \$400.00.

8. The property having been sold via short sale, termination of loss mitigation has been requested by the lender.

9. The plan is deemed infeasible and insufficient for the tax claims.

10. At the aforesaid confirmation hearing held on September 12<sup>th</sup>, 2018, the debtor's case demonstrated infeasibility and an inability to confirm.

11. The delay created by the debtor is prejudicial to creditors.

**WHEREFORE**, the trustee respectfully requests that the annexed order dismissing this case be signed.

/s/ Krista M. Preuss  
**Krista M. Preuss**

Sworn to before me this  
17<sup>th</sup> day of September, 2018  
/s/ Jody L. Kava

Jody L. Kava  
Notary Public, State of New York  
No. 02KA4836806  
Qualified in Westchester County  
Term Expires: 10/31/21

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13

Case No.17-23046 RDD

RICHARD BECKER,

Debtor(s)

-----X

**CERTIFICATE OF SERVICE**

Lois Rosemarie Esposito duly certifies:

I am not a party to the action herein, I am over the age of 18 years and reside in the  
County of Westchester, State of New York.

On September 17<sup>th</sup>, 2018, I served a true copy of the within document, to the herein  
listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed  
envelope with postage prepaid thereon, in an official depository of the United States Postal Service  
within the State of New York to the following:

Richard Becker  
16 Pierce Street  
New Rochelle, New York 10801

H. Bruce Bronson, Esq.  
480 Mamaroneck Avenue  
Harrison, New York 10528

Federal National Mortgage Association  
c/o Robertson Anschutz & Schneid, PL  
6409 Congress Avenue # 100  
Boca Raton, Florida 33487

Federal National Mortgage Association  
c/o RAS BORISKIN, LLC  
900 Merchants Concourse # 106  
Westbury, New York 11590

Seterus, Inc.  
P.O. Box 1047  
Hartford, Connecticut 06143

NYS Department of Taxation & Finance  
Bankruptcy Section  
P. O. Box 5300  
Albany, New York 12205

Internal Revenue Service  
P.O. Box 8346  
Philadelphia, Pennsylvania 19101-7346

/s/ Lois Rosemarie Esposito  
**Lois Rosemarie Esposito**